

THOMAS A. JOHNSON, #119203
KRISTY M. HORTON, #271250
Law Office of Thomas A. Johnson
400 Capitol Mall, Suite 2560
Sacramento, California 95814
Telephone: (916) 422-4022

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW GAGNON, and
NATHAN ROSENBLATT

Defendants.

) Case No.: 2:21-MJ-00184
) STIPULATION AND ORDER FOR
) EXTENSION OF TIME FOR
) PRELIMINARY HEARING PURSUANT
) TO RULE 5.1(d) AND EXCLUSION OF
) TIME
)
) Date: January 13, 2022
) Time: 2:00 p.m.
) Judge: Hon. Jeremy D. Peterson
)

STIPULATION

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney CAMERON L. DESMOND, and defendant ANDREW GAGNON, both individually and by and through his counsel of record, Michael Long, and defendant NATHAN ROSENBLATT, both individually and by and through his counsel of record, Thomas Johnson, hereby stipulate as follows:

1. The Complaint in this case was filed on December 8, 2021, and the defendants first appeared before a judicial officer of the Court in which the charges in this case were pending on December 9, 2021. A preliminary hearing date is currently scheduled for January 13, 2022.
2. By this stipulation, the parties jointly move for an extension of time of the preliminary hearing date to January 20, 2022, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal

1 Procedure. The parties stipulate that the delay is required to allow the defense
2 reasonable time for preparation, and for the government's continuing investigation
3 of the case. The delay is also necessary due the unavailability of defense counsel
4 for Mr. Rosenblatt who will be out of state on the currently set date. The parties
5 further agree that the interests of justice served by granting this continuance
6 outweigh the best interests of the public and the defendant in a speedy trial. 18
7 U.S.C. § 3161(h)(7)(A).

- 8 3. The parties agree that good cause exists for the extension of time, and that the
9 extension of time would not adversely affect the public interest in the prompt
10 disposition of criminal cases. Therefore, the parties request that the time between
11 January 13, 2022, and January 20, 2022, be excluded pursuant to 18 U.S.C. §
12 3161(h)(7)(B)(iv), Local Code T-4.

13
14 **IT IS SO STIPULATED.**

15
16 DATE: January 5, 2022

17 /s/ Thomas A. Johnson
18 THOMAS A. JOHNSON
Attorney for Nathan Rosenblatt

19 DATED: January 5, 2022

20 PHILIP A. TALBERT
Acting United States Attorney

21 /s/ Cameron Desmond
22 CAMERON DESMOND
Assistant U.S. Attorney

23
24 DATE: January 5, 2022

25 /s/ Michael Long
26 MICHAEL LONG
Attorney for Andrew Gagnon

ORDER

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:

1. The date of the preliminary hearing is extended to January 20, 2022, at 2:00 p.m.
2. The time between January 13, 2022, and January 20, 2022, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).
3. Defendants shall appear at that date and time before the Magistrate Judge on duty.

IT IS SO FOUND and ORDERED.

Dated: January 6, 2022


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE